

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	Case No. 4:07CR00030-001
Plaintiff,	)	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
KEVIN J. WITASICK,	)	
	)	By: Jackson L. Kiser
Defendant.	)	Senior United States District Judge
	)	

Before me are the Defendant's three post-trial motions: Amended Motion For Acquittal Or, In The Alternative, For A New Trial [Docket #226], Motion For New Trial Pursuant To Federal Rule Of Criminal Procedure 33 [Docket #227], and Motion For Acquittal And/Or For A New Trial On The Grounds Of A Constructive Amendment Of The Indictment And/Or Fatal Variance [Docket #225]. The Government has filed a response [Docket #230] to the motions and arguments contained therein, and the Defendant has filed a reply [Docket #235].

For the reasons contained in the accompanying *Memorandum Opinion*, it is hereby **ORDERED** that the Defendant's three aforementioned motions are **DENIED**.

The Clerk is directed to send a copy of this *Memorandum Opinion* and the accompanying *Order* to all counsel of record.

Entered this 18<sup>th</sup> day of August, 2009.

s/Jackson L. Kiser  
Senior United States District Judge